

RECEIVED
IN LAKE CHARLES, LA

JAN 10 2006
PAM
ROBERT H. SHERWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

FREDRICK VICTORIAN, ET AL : DOCKET NO. 05-2103
VS. : JUDGE MINALDI
JOHNSON & JOHNSON, INC., ET AL : MAGISTRATE JUDGE WILSON

SCHEDULING CONFERENCE ORDER

A FRCP 16(b) scheduling conference will be held in the captioned matter by telephone on February 16, 2006 at 9:45 a.m. Counsel for plaintiff is responsible for initiating a conference call at that time to include all counsel of record (and the office of the Magistrate at 337-437-3874).

Prior to the above conference all counsel shall:

- 1) Exchange the initial disclosures required by FRCP 26(a)(1)
- 2) Confer with opposing counsel & submit to the Magistrate's chambers at least 7 calendar days prior to the scheduling conference, a proposed plan for discovery in accordance with FRCP 26(f)
- 3) Discuss the subjects set out in FRCP 16(c).
- 4) Discuss whether all are willing to consent to trial by the magistrate judge.¹ Any party is free to not consent to the exercise of such jurisdiction by the magistrate judge without adverse substantive consequences. However, **all parties shall indicate their election on the attached form and return it at least 20 days prior to the scheduling conference** to the Clerk of Court, 611 Broad St., Suite 188, Lake Charles, LA 70601. **Any party that fails to make an election and return the form to the Clerk in a timely manner will be considered as having consented, in fact, to the magistrate's exercise of case-dispositive jurisdiction pursuant to 28 U.S.C. § 636(c).**
- 5) Discuss whether any modification to the cutoff dates set forth in the court's standing pretrial order are needed. If counsel agree to modifications they shall submit a proposed order documenting the agreed modifications at least 7 calendar days prior to the conference.

A trial date will be selected at the scheduling conference.

Lake Charles, Louisiana, this 10th day of January, 2006.

BY: Shawn Chamblee, Judicial Assistant

¹Upon consent of all parties the magistrate judge is available to conduct all proceedings in this matter including, if otherwise available, a civil jury trial. See 28 USC §636(c). In order to protect the voluntariness of consent, the parties are instructed not to discuss such consent during the above scheduled conference with the undersigned unless all parties have previously indicated their desire to consent. In the event all parties have so consented counsel should advise the undersigned of that fact at the scheduled conference.